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PATENT

02581-P0045A WJS/WWW

International Application No.	PCT/DE97/01552
International Filing Date	July 22, 1997
Priority Date Claimed	July 22, 1996
Title of Application	Trocar Sleeve For Endoscopic Applications
Applicant	Hubert Manhes

Box PCT
Assistant Commissioner for Patents
Washington, DC 20231

Attention: EO/US

***TRANSMITTAL LETTER TO THE UNITED STATES
ELECTED OFFICE (EO/US)
(ENTRY INTO U.S. NATIONAL PHASE UNDER CHAPTER II)***

1. Applicant herewith submits to the United States Elected Office (EO/US) the following items under 35 U.S.C. 371:

- ☒ This express request to immediately begin national examination procedures (35 U.S.C. 37(f)).
- ☒ The U.S. National Fee (35 U.S.C. 371(c)(1)) and other fees (37 CFR 1.492) as indicated below:

Express Mail Certificate: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as *Express Mail Post Office to Addressee* Mailing Label Number EM269697768US in an envelope addressed to: Assistant Commissioner for Patents; Washington, DC 20231.

January 14, 1999


Morgen Dieringer

NOTE: Documents and fees must be clearly identified as a submission to enter the National Stage under 35 USC 371 otherwise the submission will be considered as being made under 35 USC 111.37 CFR 1.494(f).

2. Fees:

CLAIMS FEE	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
<input checked="" type="checkbox"/> ¹	TOTAL CLAIMS	14 - 20 =	0	x \$18.00 =	\$ 0.00
	INDEPENDENT CLAIMS	2 - 3 =	0	x \$78 =	0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) x \$260				0.00
BASIC FEE	<input type="checkbox"/> U.S. PTO WAS INTERNATIONAL PRELIMINARY EXAMINATION AUTHORITY Where an International preliminary examination fee as set forth in § 1.482 has been paid on the international application to the U.S. PTO:				
	<input type="checkbox"/> and the international preliminary examination report states that the criteria of novelty, inventive step (non-obviousness) and industrial activity, as defined in PCT Article 33(1) to (4) have been satisfied for all the claims presented in the application entering the national stage (37 CFR 1.492(a)(4)) \$ 96.00				
	<input type="checkbox"/> and the above requirements are not met (37 CFR 1.492(a)(1)).....\$ 670.00				
	<input checked="" type="checkbox"/> U.S. PTO WAS NOT INTERNATIONAL PRELIMINARY EXAMINATION AUTHORITY: Where no international preliminary examination fee as set forth in § 1.482 has been paid to the U.S. PTO, and payment of an international search fee as set forth in §1.445(a)(2) to the U.S. PTO:				
	<input type="checkbox"/> has been paid (37 CFR 1.481(a)(2)).....\$ 760.00				
	<input type="checkbox"/> has not been paid (37 CFR 1.492(a)(3)).....\$970.00				
	<input checked="" type="checkbox"/> Where a search report on the international application has been prepared by the European Patent Office or the Japanese Patent Office (37 CFR 1.492(a)(5)).....\$ 840.00				
	TOTAL OF ABOVE CALCULATIONS =				
	840.00				
	SMALL ENTITY	Reduction by 1/2 for filing by small entity, if applicable. Affidavit must be filed also (note 37 CFR 1.9, 1.27, 1.28)			
0.00					
Subtotal					
840.00					
TOTAL	Fee for recording the enclosed Assignment \$40.00 (37 CFR 1.21(h)) (see Item 13 below). See attached Assignment Cover Sheet.				
	0.00				
	Total Fees enclosed				
	\$840.00				

- ☒ A check in the amount of \$840.00 is enclosed.
- ☐ Please charge Account No. 19-4516 in the amount of \$*.00.

3. A copy of the International Application as filed is enclosed (35 U.S.C. 371 (c)(2)).

NOTE: Section 4.495(b) was amended to require that the basic national fee and a copy of the international application must be filed with the Office by 30 months from the priority date to avoid abandonment. "The International Bureau normally provides the copy of the international application to the Office in accordance with PCT Article 20. At the same time, the international Bureau notifies applicant of the communication to the Office. In accordance with PCT Rule 47.1, that notice shall be accepted by all designated offices as conclusive evidence that the communication has duly taken place. Thus, if the applicant desires to enter the national stage, the applicant normally need only check to be sure the notice from the International Bureau has been received and then pay the basic national fee by 30 months from the priority date."

- ☐ is transmitted herewith.
☐ is not required as the application was filed with the United States Receiving Office.
☒ has been transmitted:

☒ by the International Bureau. The date of mailing of the application (from form PCT/IB/308): January 29, 1998
☐ by applicant on ---.

4. A translation of the International application into the English language (35 U.S.C. 371 (c)(2)):

- ☐ is transmitted herewith.
☒ is not required as the application was filed in English.
☐ was previously transmitted by applicant on ---.
☐ will follow.

5. Amendment to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)):

NOTE: The Notice of January 7, 1993 points out that 37 CFR § 1.495(a) was amended to clarify the existing and continuing practice that PCT Article 19 Amendments must be submitted by 30 months from the priority date and this deadline may not be extended. The Notice further advises that: "The failure to do so will not result in loss of the subject matter of the PCT Article 19 amendment. Applicant may submit that subject matter in a preliminary amendment filed under Section 1.121. In many cases, filing an amendment under Section 1.121 is preferable since grammatical or idiomatic errors may be corrected." 1147 O.G. 29-40, at 36.

- ☐ is transmitted herewith.
☐ has been transmitted:

☐ by the International Bureau. The date of mailing of the amendment (from form PCT/IB/308): ---.
☐ by applicant on ---.
☒ has not been transmitted as:

☒ applicant chose not to make amendment under PCT Article 19. The date of the Mailing of the Search Report (from form PCT/ISA/210):--.
☐ the time limit for the submission of amendments has not yet expired. The amendment or a statement that amendments have not been made will be transmitted before the expiration of the time limit under PCT Rule 46.1.

6. A translation of the amendment to the claims under PCT Article 19 (38 U.S.C. 371(c)(3)):

- ☐ is transmitted herewith.
- ☐ is not required as the amendments were made in English.
- ☒ was not transmitted for reasons indicated at point 5 above.
- ☐ will follow.

7. A copy of the international examination report (PCT/IPEA/409):

- ☒ is transmitted herewith.
- ☐ is not required as the application was filed with the United States Receiving Office.

8. Annex(es) to the International Preliminary Examination Report:

- ☐ is/are transmitted herewith.
- ☐ is/are not required as the application was filed with the United States Receiving Office.

9. A translation of the annexes to the International Preliminary Examination Report:

- ☐ is transmitted herewith.
- ☐ is not required as the application was filed with the United States Receiving Office.

10. An oath or declaration of the inventor (35 U.S.C.(c)(4)) complying with 35 U.S.C.. 115:

- ☐ was previously submitted by applicant on ---.
- ☐ is submitted herewith, and such oath or declaration:
 - ☐ is attached to the application.
 - ☐ identifies the application and any amendments under PCT Article 19 that were transmitted as stated in points 3b or 3c and 5b; and states that they were reviewed by the inventor as required by 37 CFR 1.70.
 - ☒ will follow.

11. An International Search Report (PCT/ISA/210) or Declaration under PCT Article 17(2)(a):

- ☒ is transmitted herewith.
- ☐ has been transmitted by the International Bureau. The date of mailing from form PCT/IB/308): ---.
- ☐ is not required, as the application was searched by the United States International Searching Authority.
- ☐ will be transmitted promptly upon request.
- ☐ has been submitted by applicant on ---.

12. An Information Disclosure Statement under 37 CFR 1.97 and 1.98:

- ☐ is transmitted herewith. Also transmitted herewith is/are:
- ☐ Form PTO-1449.
☐ Copies of the citations listed.
- ☒ will be transmitted within three months of the date of submission of requirements under 35 U.S.C. 371(c).
☐ was previously submitted by applicant on ---.

13. Additional Documents being transmitted:

- ☒ Copy of Request (PCT/RO/101).
☒ International Publication No WO 98/03121.
☐ Specification, claims and drawings
☒ Front page only.
☒ Preliminary Amendment (37 CFR §1.121).

14. An Assignment document:

- ☐ is transmitted herewith for recording. A separate Cover Sheet for Assignment Accompanying New Patent Application is attached.
☒ will follow.

Please mail the recorded Assignment document to the person whose signature and address appear below.

15. The above-checked items are being transmitted:


- ☒ before 30 months from any claimed priority date.
☐ after 30 months.

Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge **any** additional fees, including, but not limited to 37 CFR 1.492(a)(1),(2),(3)&(4) (filing fees) and 37 CFR 1.492(b),(c),(d) (presentation of extra claims) by this paper and during the entire pendency of the Application to Account No. 19-4516.

Respectfully submitted,

January 14, 1999


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